

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHEASTERN DIVISION**

Vonnie Darin Darby,)
)
Plaintiff,) Case No. 3:09-cv-010
vs.)
)

Don Redmann, Warden,)
B. Dreher, Lieutenant,)
)
Defendants.)

Vonnie Darin Darby,)
)
Plaintiff,)
vs.)
)
Don Redmann, Warden)
B. Dreher, Lieutenant and)
Jennifer Peoppel, CCW,)
)
Defendants.)

**ORDER RE CONSOLIDATION
(AMENDED)**

Case No. 3:09-cv-012

The plaintiff, Vonnie Darin Darby (Darby), is an inmate at the North Dakota State Penitentiary (NDSP). He initiated the above-entitled actions against on February 3, 2009, by lodging with the court two complaints setting forth causes of action arising out of the same conduct—the decision to place Darby under medical observation after he refused to answer a question posed to him by Defendant Dreher.

Rule 42 of the Federal Rules of Civil Procedure allows for the consolidation of actions involving common questions of law or fact pending before the court. Having reviewed the two complaints lodged in the above-entitled actions, the court finds that common questions of law and

fact exist so as to warrant consolidation. Further, a consolidation of the above-entitled actions would provide for the best use of judicial resources.

Accordingly, the court **ORDERS** that the above-captioned cases shall be in all respects **CONSOLIDATED**. Case No. 3:09-cv-010 shall be designated the lead case and all future filings shall be made in that case.

IT IS SO ORDERED.

Dated this 1st day of April, 2009.

/s/ Charles S. Miller, Jr.
Charles S. Miller, Jr.
United States Magistrate Judge